

# **Town Board Minutes**

## **Meeting No. 4**

### **Special Meeting**

**February 4, 2002**

# **Town Board Minutes**

**February 4, 2002**

**Meeting No. 4**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 4<sup>th</sup> day of February, 2002, at 6:30 PM and there were

**PRESENT:**           ROBERT GIZA, SUPERVISOR  
                          MARK MONTOUR, COUNCIL MEMBER  
                          DONNA STEMPLAK, COUNCIL MEMBER  
                          RICHARD ZARBO, COUNCIL MEMBER  
                          REBECCA ANDERSON, PLANNING BOARD MEMBER  
                          JOHN GOBER, PLANNING BOARD MEMBER  
                          MICHAEL MYZKA, PLANNING BOARD MEMBER  
                          STEVEN SOCHA, PLANNING BOARD MEMBER  
                          MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:**           RONALD RUFFINO, COUNCIL MEMBER  
                          STANLEY KEYSA, PLANNING BOARD CHAIRMAN  
                          LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

**ALSO PRESENT:**   JOHANNA COLEMAN, TOWN CLERK  
                          RICHARD SHERWOOD, TOWN ATTORNEY  
                          ROBERT LABENSKI, TOWN ENGINEER

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
BRIERWOOD CHILD CARE CENTER  
SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Brierwood Child Day Care Center site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER GOBER  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
BRIERWOOD CHILD CARE CENTER  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 1.35 acres.

The location of the premises being reviewed is situate at 4920 William Street.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
**No significant adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No significant adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No significant adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No significant adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No significant adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No significant adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No significant adverse effects noted**
- D. The project will have no impact on the environmental characteristics that caused the establishment of a CEA.

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

February 4, 2002

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

February 4, 2002

**IN THE MATTER OF THE SEQR REVIEW OF THE  
NORTH FOREST DEVELOPMENT (WEHRLE COMMONS)  
REZONE PETITION**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the North Forest Development (Wehrle Commons) rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPNIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING BOARD  
MEMBER SZYMANSKI. TO WIT:**

**RESOLVED**, that the following Positive Declaration be adopted:

**NOTICE OF DETERMINATION  
NORTH FOREST DEVELOPMENT (WEHRLE COMMONS) REZONE PETITION  
POSITIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Positive Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 15.17 acres.

The location of the premises being reviewed is 2801 Wehrle Drive.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site based upon the following:
  - a.) Construction on land where the depth to the water table is less than three (3) feet.
  - b.) Approximately 900 parking spaces.
  - c.) Construction on land where bedrock is within three (3) feet of the existing ground surface.
  - d.) Construction will continue for more than one year.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action could affect a water body designated as protected under Articles 15, 24, 25 of the Environmental Conservation Law, ECL. There is potential for a large impact due to discharge to wetlands offsite. This impact can be mitigated by a project change.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will have a small to moderate affect on drainage flow patterns or surface water runoff. While the proposed action is incompatible with existing drainage patterns, it can be mitigated by project design.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate affect on threatened or endangered species. The possible application of pesticide or herbicide more than twice a year, for other than agricultural reasons, may impact plants and animals.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action may have a small to moderate impact on aesthetic resources. The proposed land use is obviously different from and in contrast to current surrounding land use patterns.
12. The proposed action may have a potentially large impact on a site or structure of historic importance.
  - a.) The proposed action will occur in an area designated as sensitive for archaeological sites on the New York State Inventory; this can be mitigated by project design.

- b.) The proximity to the Gipple cabin, which is possibly the oldest structure in Erie County, could be impacted by the proposed action; this can also be mitigated by project design.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action has the potential for a large impact on existing transportation systems. This impact can be mitigated by project design.
15. The proposed action will not affect the community's sources of fuel or energy supply.
16. There may be a small to moderate impact on odors, noise and vibration during construction.
- a.) Blasting may occur during construction.
- b.) Noise levels may exceed the ambient noise levels for outside structures during construction.
17. The proposed action will not affect public health and safety.
18. The proposed action may have a small to moderate affect on the character of the existing community based upon the following:
- a.) It may conflict with the Town's officially adopted plans.
- b.) A small change in the density of land use.
- c.) A small increase in demand for police and fire services may be created.
- d.) An increase in employment.
19. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

February 4, 2002

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Positive Declaration" Notice of Determination of Significance in this matter, and



**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Positive Declaration" Notice of Determination of Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Positive Declaration" with the Town Clerk.

**BE IT FURTHER**

**RESOLVED**, that with regard to the large impacts, scoping will be conducted.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

<b>SUPERVISOR GIZA</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER MONTOUR</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER RUFFINO</b>	<b>WAS ABSENT</b>
<b>COUNCIL MEMBER STEMPIAK</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER ZARBO</b>	<b>VOTED YES</b>
<b>PLANNING BOARD MEMBER ANDERSON</b>	<b>VOTED YES</b>
<b>PLANNING BOARD MEMBER GOBER</b>	<b>VOTED YES</b>
<b>PLANNING BOARD CHAIRMAN KEYSA</b>	<b>WAS ABSENT</b>
<b>PLANNING BOARD MEMBER KORZENIEWSKI</b>	<b>WAS ABSENT</b>
<b>PLANNING BOARD MEMBER MYZKA</b>	<b>VOTED YES</b>
<b>PLANNING BOARD MEMBER SOCHA</b>	<b>VOTED YES</b>
<b>PLANNING BOARD MEMBER SZYMANSKI</b>	<b>VOTED YES</b>

The Notice of Determination was thereupon unanimously adopted.

February 4, 2002

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution:

There being no objections,

**SUSPENSION GRANTED:**

**THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPNIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER MYZKA, TO WIT:**

**WHEREAS, the SEQR Municipal Review Committee (MRC) of the Town of Lancaster has received numerous comments to the Supplemental Draft Environmental Impact Statement (SDEIS) submitted for the proposed rezone and development site plan at William and Transit in the Town of Lancaster, and**

**WHEREAS, the MRC desires additional time to consider the public comments submitted with regard to this project and to review for the Final Environmental Impact Statement (FEIS) in connection with the project, and**

**WHEREAS, NEC Transit William LLC and Bella Vista Group, Inc. have agreed to an extension of time, and**

**WHEREAS, the MRC recommends that the Town Board afford all involved and interested agencies and the public an additional opportunity to comment on the project at a public hearing after the FEIS has been prepared and issued and to also further comment on the project rezone application;**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the time within which to prepare and file the FEIS with respect to the project for consideration by the MRC and the Town Board shall be extended to February 22, 2002, and**

**BE IT FURTHER**

**RESOLVED, that a public hearing with respect to the project including the rezone application and the FEIS is recommended to be held on Monday, March 4, 2002 at 8:30 P.M., Local Time, in the Town Hall, 21 Central Avenue, Lancaster, New York.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

February 4, 2002

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY  
PLANNING BOARD MEMBER GOBER, on roll call, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	WAS ABSENT
PLANNING BOARD MEMBER KORZENTEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The meeting was adjourned at 7:27 P.M.

Signed



Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

## **Meeting No. 5**

### ***Regular Meeting***

**February 4, 2002**

## ***Town Board Minutes***

February 4, 2002

Meeting No. 5

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 4<sup>th</sup> day of February, 2002 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
RICHARD ZARBO, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RONALD RUFFINO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCRACKEN, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
SUZANNE BLANK, CLERK TYPIST  
JOHN TROJANOWSKY, EXEC. DIRECTOR YOUTH BUREAU

### **PERSONS ADDRESSING TOWN BOARD:**

Gontarz, Richard, 12377 Westwood Road, spoke to the Town Board on the following matter:

- Questioned the number of accidents/fatalities at the intersection of Walden Avenue and Pavement Road and what has been done to remedy the situation.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Inquired about the location of the water pump station and anticipated costs.
- Inquired about the Meals-On-Wheels Program.
- Questioned building permit #8711 for the cell tower.
- Asked if any additional financial assistance has been given to Lancaster Volunteer Ambulance Corps since their request was made a couple of months ago.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Asked if the Planning Board can consider a site plan before the zoning is changed.

**Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:**

- Asked questions about trees that have been bulldozed on Pleasant View Drive and stumps left on the edge of the ditch.
- Stated that he has a lot of water on his property.
- Comments about Town owned vehicles used by Town employees.

**Przybysz, Paul, 66 Northwood Drive, spoke to the Town Board on the following matter:**

- Comments about Public Hearing and rezone petition of NEC Transit/William LLC
- Inquired as to the availability of the FEIS when it is filed.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by North Forest Development for a rezone from Residential District One (R1) to General Business District (GB) for premises situated at the southeast corner of Harris Hill Road and Wehrle Drive

The affidavits of publication of this Public Hearing are on file and a copy of the Public Notice has been posted.

<b>NAME</b>	<b>ADDRESS</b>	<b>Proponent/ Opponent/ Comments/Questions</b>
Roy Jordan, Representative of North Forest Development		Proponent
Jeff Drilling	12 Pine Tree Drive	Proponent

ON MOTION BY COUNCIL MEMBER ZARBO, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:35 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

*February 4, 2002*



**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board held  
January 22, 2002 and the Special Meeting of the Town Board Held January 29, 2002 be and are  
hereby approved

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK. TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated January 25, 2002 has requested permission for himself and two (2) youths associated with the Youth Bureau's programs to attend the New York State Youth Leadership Training in Colonie, New York from February 25, 2002 through February 26, 2002.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Executive Director of the Youth Bureau of the Town of Lancaster and two (2) youths associated with the Youth Bureau's programs be and are hereby authorized to attend the New York State Youth Leadership Training in Colonie, New York from February 25, 2002 through February 26, 2002, and

**BE IT FURTHER**

**RESOLVED**, that the only cost to the Town of Lancaster would be for lodging, which will not exceed \$110. There will be no mileage (they will use the Erie County Department of Youth bus) and that there will be no out of pocket expenses.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: RSEMMTGS (P14)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**WHEREAS**, Windsor Ridge Partners, LLC, 501 John James Audubon Parkway, Amherst, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Windsor Ridge Subdivision, Phase III (c).

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No. 549 of Windsor Ridge Partners, LLC, 501 John James Audubon Parkway, Amherst, New York, for the installation of:

P.I.P. No. 549  
(Street Lights)

Windsor Ridge Subdivision: Phase III (c)

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Pleasantview Associates, 2730 Transit Road, West Seneca, New York 14224 has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Stony Brook Subdivision, Phase IV (d), within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated January 23, 2002 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Stony Brook Subdivision, Phase IV(d), be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 548- Street Lights

and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO. TO WIT:

**WHEREAS**, Design Works LLC, 3284 Walden Avenue, Depew, New York, has submitted a Site Plan prepared by Dean Sutton Architects, dated December 26, 2001, revised February 1, 2002 and received February 4, 2002 for the construction of a 8,400 sq. ft. child care center located at 4920 William Street in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and at its meeting January 16, 2002, has recommended approval of this project, and

**WHEREAS**, a SEQR Review of this project was held February 4, 2002 and a negative declaration was issued at that time.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Design Works LLC, prepared by Dean Sutton Architects, dated December 26, 2001 and revised February 1, 2002 and received February 4, 2002 for the construction of a 8,400 sq. ft. child care center located at 4920 William Street in the Town of Lancaster, contingent on the petitioners providing additional landscaping on the east end of the property to act as a buffer to the satisfaction of Terrace McCracken, General Crew Chief and that the fencing will include a stockade fence on the east side of the outdoor play area.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Western New York Region Section VI Girls High School Softball has requested the use of Walden Pond Park for playoff and championship games on May 30, 2002 and June 1, 2002 and to host the New York State Public High School Athletic Association's Regional Championships on June 4, 2002, providing insurance coverage for the event, and

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed the request and deems it a benefit to the community to have the Section VI Girls High School Softball championship and the New York State Public High School Athletic Association's Regional Championships at Walden Pond Park;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes Section VI Girls High School Softball to use Walden Pond Park on May 30, 2002, June 1, 2002 and June 4, 2002.

2. Section VI shall provide insurance coverage for the events naming Town of Lancaster as additional insured; and

3. Section VI has permission to request a donation from those attending.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: rplayoff

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated January 29, 2002, has recommended the appointment of Darryl Ludwig, 661 Ransom Road, Lancaster, New York, to the position of Laborer Grade 1 in the Highway Department of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Darryl Ludwig, 661 Ransom Road, Lancaster, New York 14086, be and is hereby appointed to the position of Laborer Grade 1 in the Highway Department of the Town of Lancaster, effective February 18, 2002, and that the salary for this position during the probationary six (6) month period is \$15.32 per hour, and, following the probationary period, the full rate shall be \$19.15 per hour, as established in the current CSEA Blue Collar contract and set forth in the 2002 Schedule of Salaries adopted by the Town Board on January 1, 2002, with full benefits, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: RPERS.APP (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the General Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated January 30, 2002, has recommended the appointment of Michael Becker, Jr., 112 Burlington Avenue, Depew, New York 14043 and Jacob Everett, 24 Glendale Drive, Lancaster, New York 14086 to the position of Laborer Aide in the Parks, Senior Facility, and Buildings and Grounds Department of the Town of Lancaster. One position fills a vacancy and the other is a new position which is in the 2002 budget adopted by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Michael Becker Jr., 112 Burlington Avenue, Depew, New York 14043 and Jacob Everett, 24 Glendale Drive, Lancaster, New York 14086 be and are hereby appointed to the position of Laborer Aide in the Parks, Senior Facility, and Buildings and Grounds Department of the Town of Lancaster, at a rate as set forth in the contract with the Town of Lancaster White Collar Unit of Local #815, including all benefits. Said appointments are effective February 11, 2002, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: rpers/vapers (P1)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
ZARBO, TO WIT:

**WHEREAS**, the Assessor of the Town of Lancaster, by memorandum dated January 24, 2002, has recommended the appointment of Joyce Dennis, 59 W. Drullard Avenue, Lancaster, New York 14086 to the position of Clerk, Temporary Seasonal (full time), in the Assessor's Office of the Town of Lancaster.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

**SECTION 1:** That Joyce Dennis, 59 W. Drullard Avenue, Lancaster, New York 14086, be and is hereby appointed to the position of Clerk, Temporary Seasonal (full time), in the Office of the Assessor.

**SECTION 2:** That Joyce Dennis be compensated at an hourly rate of \$8.64.

**SECTION 3:** That this appointment be effective January 28, 2002.

**SECTION 4:** That this appointment, being a temporary, seasonal position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: Rperstc.p.t

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Director of Administration and Finance, to wit:

Claim No. 12542 to Claim No. 12771 Inclusive

Total amount hereby authorized to be paid: \$818,483.47

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**TABLED PERMIT:**

Pmt #	Applicant Name	Address	Structure
8711	Voicestream Wireless	0 Penora St	Er. Com. Tower

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure
8794		Ura, Steven	136 Nathan's Trl	Er. Shed
8795		2468 Group Inc	60 Central Ave	Er. Sign-Wall (V/L)
8796		South Shore Construction	4111 Walden Ave	Er. Comm. Add./Alt.
8797		Alliance Construction	34 Hedge Ln	Er. Dwlg.-Sin.
8798		Alliance Construction Inc	36 Hedge Ln	Er. Dwlg.-Sin.
8799		Alliance Construction	38 Hedge Ln	Er. Dwlg.-Sin.
8800		Alliance Construction	40 Hedge Ln	Er. Dwlg.-Sin.
8801		Marrano/Marc Equity Inc	13 Trentwood Trl	Er. Dwlg.-Sin.
8802		Marrano/Marc Equity Inc	26 Trentwood Trl N	Er. Dwlg.-Sin.
8803		Lorenz, Roy	47 Greenmeadow Dr	Er. Dwlg.-Sin.
8804		Duro-Shed Inc	42 Signal Dr	Er. Shed
8805		Adimey, Robert Jr	23 Michael Anthony Ln	Er. Fence
8806	SW	Hammann, Allen	1337 Ransom Rd	Er. Dwlg.-Sin.
8807		Migliaccio Construction	16 Park Walk	Er. Res. Add.
8808		Donato Developers	225 Nathan's Trl	Er. Dwlg.-Sin.
8809		Donato Developers	228 Nathan's Trl	Er. Dwlg.-Sin.
8810		Donato Developers	215 Nathan's Trl	Er. Dwlg.-Sin.
8811		Jedlicka, Bill	37 Stony Brook Dr	Er. Fence
8812		Elhage, Michael	470 Aurora St	Er. Fence
8813		Timberline Builders Inc	841 Eric St	Er. Res. Add.
8814		C Mays Tree Experts	86 Aurora St	Dem. Dwlg. (V/L)
8815		R&B Building Inc	287 Broezel Ave	Er. Garage

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: Rhldg2

**SUSPENDED RESOLUTIONS:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Zarbo, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Erie County Water Authority has negotiated with the Town of Lancaster in regard to the construction of a pump station on William Street near Transit Road, and

**WHEREAS**, the ECWA has offered an Amendment No. 1 to the Lease Management Agreement between the ECWA and the Town of Lancaster, which is dated February 14, 1997, whereby such amendment the Town would share in the cost of the construction of the beforementioned pump station which will improve the water pressure to residents in the Town of Lancaster, and

**WHEREAS**, the Town Board has given due review and consideration to the Amendment which has been negotiated;

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with the Erie County Water Authority, that being Amendment No. 1 to the Lease Management Agreement dated February 14, 1997, which provides for the Town to share 50% of the cost of design and construction of the pump station and related facilities for the site on William Street east of Transit Road with the Town reimbursing the authority for this 50% cost, and

**FURTHER**, the Town of Lancaster will contribute and convey markable title to real property owned by the Town located off William Street for the site of this pump station and will receive a credit for the value of this property, and

**FURTHER**, the Town will be credited for the value of the use by the ECWA of a communication tower the Town has access to in the amount of \$50,000.00 on the total price of the pump station and its related facilities which cost is currently estimated at a total of approximately \$1,860,000.00, the Town portion of which will be paid for through the authorization of a borrowing through a bond resolution to be adopted by the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONT'OUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

**SUSPENSION GRANTED:**

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY, COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:**

**WHEREAS, NEC Transit William LLC and Bella Vista Group, Inc., 6495  
Transit Road, Bowmansville, New York, the contract vendee on parcels of land located on the  
northeast corner of William Street and Transit Road, in the Town of Lancaster, New York, has  
petitioned the Town Board of the said Town for the rezone of said property from a CMS-  
Commercial Motor Service District and R1-Residential District One to a GB-General Business  
District, and**

**WHEREAS, the Petition has been referred to the Planning Board of the Town of  
Lancaster for its recommendation and report;**

**NOW, THEREFORE, BE IT**

**RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the  
State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21  
Central Avenue, Lancaster, New York, on the 4th day of March, 2002, at 8:45 o'clock P.M.,  
Local Time, and that Notice of the Time and Place of such Hearing be published in the  
Lancaster Bee, a newspaper of general circulation in said Town on February 14, 2002, and be  
posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie  
County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law,  
which Notice shall be in form attached hereto and made a part hereof.**

**The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call, which resulted as follows:**

<b>COUNCIL MEMBER MONTOUR</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER RUFFINO</b>	<b>WAS ABSENT</b>
<b>COUNCIL MEMBER STEMPIAK</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER ZARBO</b>	<b>VOTED YES</b>
<b>SUPERVISOR GIZA</b>	<b>VOTED YES</b>

**February 4, 2002**

**LEGAL NOTICE  
PUBLIC HEARING - REZONE  
BELLA VISTA GROUP, INC. -NEC TRANSIT/WILLIAM, LLC  
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4<sup>th</sup> day of February, 2002, the said Town Board will hold a Public Hearing on the 4th day of March, 2002, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a CMS-Commercial Motor Service District and R1-Residential District One to a GB-General Business District:

**PARCEL "A" - CMS - Commercial Motor Service District  
To General Business.**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation, described as follows:

**COMMENCING** at a point in the centerline of William Street with the intersection of the centerline of Transit Road;

**THENCE**, East along the centerline of William Street, a distance of 355.75 feet;

**THENCE**, continuing North, a distance of 320.0 feet;

**THENCE**, West, a distance of 300.0 feet;

**THENCE**, North, along Transit Road, a distance of 141.63;

**THENCE**, West, a distance of 5.5 feet;

**THENCE**, North along Transit Road, a distance of 839.25 feet;

**THENCE**, East, a distance of 572.7 feet;

**THENCE**, South 1,310.02 feet;

**THENCE**, West along William Street, a distance of 267.15 feet to the point and place of beginning.

Containing 15.0 +/-Acres.

**AND**



**PARCEL "B" - R1-Residential District One to GB-General Business**

**ALL TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot 94, Township 10, Range 6 of the Buffalo Creek Indian Reservation, described as follows:

**COMMENCING** at a point in the centerline of William Street a distance of 622.9 feet east from the center line of Transit Road;

**THENCE**, North a distance of 25.0 feet to the point of beginning;

**THENCE**, North a distance of 1886.16 feet;

**THENCE**, East, a distance of 494.51 feet;

**THENCE**, South, a distance of 1878.15 feet;

**THENCE**, West along William Street, a distance of 494.65 feet to the point and place of beginning.

Containing 21.37+/- acres.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

**February 4, 2002**

**SUSPENSION GRANTED:**

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:**

**WHEREAS,** the Town Board of the Town of Lancaster as lead agency pursuant to SEQRA has received numerous comments to the Supplemental Draft Environmental Impact Statement (SDEIS) in connection with the rezone and site plan application for property located at the northeast corner of Transit Road and William Street, and

**WHEREAS,** the Town Board desires additional time to consider such comments and to review the Final Environmental Impact Statement (FEIS) in connection with the project, and

**WHEREAS,** NEC Transit William, LLC and Bella Vista Group, Inc. have agreed to an extension of time, and

**WHEREAS,** the Town Board desires to afford all involved and interested agencies and the public an additional opportunity to comment on the project at a public hearing after the FEIS has been prepared and issued;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the time within which to prepare and file the FEIS with respect to the project for consideration by the MRC and the Town Board is hereby extended to February 22, 2002, and

**BE IT FURTHER**

**RESOLVED,** that the Town Board shall hold a public hearing on the FEIS on March 4, 2002 at 8:30 PM, Local Time in the Town Hall, 21 Central Avenue, Lancaster, New York and that the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on February 14, 2002, and be posted on the Town Bulletin Board, and

**BE IT FURTHER**

**RESOLVED,** that the developer provide the Town of Lancaster with three (3) additional copies plus the Town Clerk's official copy, and

**BE IT FURTHER**

**RESOLVED** that the Town Clerk is directed to deliver a copy of the Final Environmental Impact Statement to the Lancaster Branch Library and the Depew Branch Library and to provide one copy as a three (3) hour loan copy for the public; the original to remain on file with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<b>COUNCIL MEMBER MONTOUR</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER RUFFINO</b>	<b>WAS ABSENT</b>
<b>COUNCIL MEMBER STEMPNIAK</b>	<b>VOTED YES</b>
<b>COUNCIL MEMBER ZARBO</b>	<b>VOTED YES</b>
<b>SUPERVISOR GIZA</b>	<b>VOTED YES</b>

**February 4, 2002**

File: \*rwillemanstrans11202

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE OF PUBLIC HEARING**

**LEGAL NOTICE IS HEREBY GIVEN**, that a public hearing on the Final Environmental Impact Statement (FEIS) for the proposed zoning change at the northeast corner of Transit Road and William Street from Commercial and Motor Service (CMS) and Residential District One (R-1) to (General Business) GB on March 4, 2002 at 8:30 P.M., Local Time at the Town Hall, 25 Central Avenue, Lancaster, New York, for the purpose of receiving public comment regarding the Final Environmental Impact Statement.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

February 4, 2002

**SUSPENSION GRANTED:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS, LEROY SICKAU, JR.,** President of **EXPERT AUTO GLASS, INC.,** prospective lessee of real property situate at 6509 Transit Road, Building H in the Town of Lancaster, has submitted an application for a Special Use Permit for an Auto Glass Retail Business in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster.

**NOW THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for an Auto Glass Retail Business on premises locally known as 6509 Transit Road, Building H in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 25<sup>th</sup> day of February 2002, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - EXPERT AUTO GLASS, INC.  
6509 TRANSIT ROAD, BUILDING H**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 4<sup>th</sup> day of February, 2002 the said Town Board will hold a Public Hearing on the 25<sup>th</sup> day of February, 2002, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Leroy Sickau, Jr. President of Expert Auto Glass, Inc., for a Special Use Permit for an Auto Glass Retail Business on premises locally known as 6509 Transit Road, Building H, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

February 4, 2002

**SUSPENSION GRANTED:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Lancaster/Depew Meals on Wheels desires to enter into a contractual arrangement with the Town to continue the provision of meals to housebound seniors, and

**WHEREAS**, the Town Board has given due review and consideration to this request and deems it in the public interest for the Town to enter into a contract to provide for the continuation of this meal service for seniors;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with the Meals on Wheels of Buffalo and Erie County, Inc. to provide the continuation of the meal program for housebound seniors, the Town to provide under this contract the sum of up to \$10,000 for the year 2002 and to further provide for the payment of \$7,800.00 to cover a portion of the costs incurred for 2001.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File:

\*mealsonwheels202

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ZARBO , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Highway Superintendent has submitted a proposed Agreement to the Town Board of the Town of Lancaster for the expenditure of highway funds for the year 2002, pursuant to the requirements of the Highway Law of the State of New York, and

**WHEREAS**, the Highway Superintendent has advised that the allocation of money in the proposed Agreement for general repairs to be carried out includes the cost of labor and materials, and

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed the proposal by the Highway Superintendent;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster does hereby authorize the execution of the proposed Agreement to Spend Town Highway Funds for the year 2002, as submitted by the Superintendent of Highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2002

File: \*rhwyfnds202



## COMMUNICATIONS & REPORTS:

89. NYS Department of Environmental Conservation to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding  
Brierwood Child Day Care Center. DISPOSITION = Planning Committee
90. NYS Department of Environmental Conservation to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding of  
southwest corner Harris Hill Road and Wehrle Drive. Concerns noted.  
DISPOSITION = Planning Committee
91. Adelphia to Town Clerk -  
Notification of 2002 cable rate increase. DISPOSITION = Received and Filed
92. Daniel Beutler to Town -  
Comments regarding proposed rezone of NEC Transit Road and William Street.  
DISPOSITION = Planning Committee
93. Mr. & Mrs. Luis Colarte to Town Board -  
Petition to relocate stop sign at 26 Summerfield Drive. DISPOSITION = Safety  
Committee
94. Gordon & Mary Beth Peterson -  
Offer to donate real property at Genesee Street and Pavement Road to Town.  
DISPOSITION = Town Attorney and Supervisor
95. Safety Director to Town Board -  
Minutes of Safety Steering Committee meeting of January 16, 2002. DISPOSITION  
= Received and Filed
96. Paul H. Przybysz to Town Board -  
Concerns regarding new commercial and residential development in town.  
DISPOSITION = Received and Filed
97. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for Expert Auto Glass Inc.  
DISPOSITION = Resolution 2/4/2002
98. Marilla Town Clerk to Town Officials -  
Transmittal of two (2) Local Laws and public hearings pertaining to zoning changes  
in the Town of Marilla. DISPOSITION = Received and Filed
99. Youth Bureau Executive Director to Supervisor -  
Request appointments of Jillian Rindos and Ronald Sardina as tutors.  
DISPOSITION = Resolution 2/4/2002
100. Kenneth M. Heist to County Legislator Larson -  
Comments regarding the intersection of Walden Avenue and Pavement Road.  
DISPOSITION = Received and Filed
101. Police Chief to NYS Department of Transportation -  
Transmittal of letter of Kenneth Heist to County Legislator Larson regarding the  
intersection of Walden Avenue and Pavement Road. DISPOSITION = Received and  
Filed
102. County Executive to Supervisor -  
Notification of \$90,000 grant for Sewer District #2 from Erie County Consortium  
Development Block Grant Program. DISPOSITION = Received and Filed
103. Erie County Department of Environment & Planning to Town Attorney -  
Notification of Lead Agency Designation to Town regarding proposed rezone of  
southwest corner of Harris Hill Road and Wehrle Drive. Concerns noted.  
DISPOSITION = Planning Committee

104. Bar Association of Erie County to Colleagues -  
Announcement of program entitled "Emergency Management Planning for Schools and Municipalities" on Tuesday, February 5, 2002, 12:00 pm at Statler Towers.  
DISPOSITION = Received and Filed
105. Donald J. Krzeminski to Town Board -  
Request for Supplemental Environmental Impact Statement to be done on the Comprehensive Master Plan. Comments noted on water pressure on Schwartz Road.  
DISPOSITION = Received and Filed
106. Lancaster/Alden Fire Chief's Association Inc to Town Board -  
Transmittal of certificate of incorporation and list of officers. DISPOSITION = Received and Filed
107. Town Clerk to Zoning Board Members, Building Inspector, Deputy Town Attorney -  
Transmittal of legal notice of a Public Hearing to be held on February 14, 2002 regarding a variance petition. DISPOSITION = Received and Filed
108. Village of Lancaster Deputy Mayor to Supervisor, Town Board -  
Comments regarding the Comprehensive Master Plan. DISPOSITION = Received and Filed
109. Town Attorney to Town Board, Planning Board Members, Town Clerk, Building Inspector and Town Engineer -  
Advisement of SEQR Review for Wehrle Commons (Harris Hill Road and Wehrle Drive) and Brierwood Day Care Center (Aurora Street and William Street).  
DISPOSITION = Received and Filed
110. Town Clerk to Various News Media -  
Notification of a SEQR Review Meeting to be held February 4, 2002 for the purpose of reviewing the zoning application for North Forest Development and the site plan of Brierwood Day Care Center. DISPOSITION = Received and Filed
111. Dorothy & Bill Julius to Town Board -  
Comments regarding the Comprehensive Master Plan. DISPOSITION = Received and Filed
112. Youth Bureau Executive Director to Supervisor and Town Board -  
Request approval to attend NYS Youth Leadership Training Conference to be held in Colonie NY on February 25, 2002. DISPOSITION = Resolution 2/4/2002
113. Town Highway Superintendent to Town Board -  
Request approval for upgrade of Gerald Kocalski to Crew Chief and the hiring of Darryl Ludwig as Labor Grade 2. DISPOSITION = Received and Filed
114. Erie County Director of Regional Initiatives to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding the Brierwood Child Day Care Center (Aurora Street and William Street). Comments noted. DISPOSITION = Planning Committee
115. Citizens for a Better Lancaster to Erie County Executive -  
Petitions requesting assistance relative to proposed Comprehensive Master Plan.  
DISPOSITION = Received and Filed
116. Lee Chowanec to Town Board -  
Transmittal of letters from various residents regarding the Comprehensive Master Plan. DISPOSITION = Received and Filed
117. James Brett to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
118. Mary Rafalski to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed

119. John Maccarone to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
120. Sharon Bobak to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
121. Moira E. Reichard to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
122. Daniel Butler to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
123. Paul H. Przybysz to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
124. Paul H. Przybysz to Supervisor and Town Board -  
Comments regarding need for "buffer zones" in the Comprehensive Master Plan.  
DISPOSITION = Received and Filed
125. General Crew Chief to Town Attorney -  
Transmittal of events leading up to electrical repair at the Parks & Recreation Office.  
DISPOSITION = Town Attorney
126. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -  
Comments regarding site plans of Gateway Center (Transit Road & William Street) and Communication Tower (69 Cemetery Road). DISPOSITION = Received and Filed
127. General Crew Chief to Town Board -  
Request appointment of Michael Becker, Jr. and Jacob Everett as Laborer Aides.  
DISPOSITION = Resolution 2/4/2004
128. Highway Superintendent to Town Board -  
Transmittal of annual agreement to spend Town highway funds. DISPOSITION = Resolution 2/4/2002
129. Karen Basher to Town Clerk -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed
130. General Crew Chief to Supervisor and Town Board -  
Request approval for Parks & Recreation Department to host annual Section VI Softball Tournament at Walden Pond Park on May 30, June 1, 2002 and the NYS Public High School Athletic Association's Regional Championships at Walden Pond Park on June 4, 2002. DISPOSITION = Resolution 2/4/2002
131. Roy H. Schnegenburger to Supervisor, Planning Board Chairman and Town Board -  
Comments regarding Planning Board Meeting of January 16, 2002. DISPOSITION = Received and Filed
132. Town Assessor to Town Board -  
Request appointment of Joyce Dennis to Clerk Typist Seasonal. DISPOSITION = Resolution 2/4/2002
133. NYS Office of Real Property Services to Joseph L. Maciejewski IV -  
Transmittal of update of status of activities of NYS Office of Real Property Services in Erie County. DISPOSITION = Received and Filed

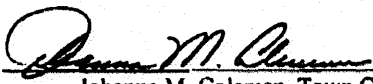
134. NorthEast-Southtowns Solid Waste Management Board to Town Board -  
Public Notice announcing informational meetings regarding the Regional Solid Waste Management Plan for 2000 - 2010. DISPOSITION = Received and Filed
135. National Fuel to Town Board -  
Notice of natural gas utility work to be done in the Town Hall area. DISPOSITION = Town Engineer
136. Benderson Development Company Inc to Supervisor -  
Request for one year extension of the site plan approval for Wilson Farms at the southwest corner of Broadway and Bowen Road. DISPOSITION = Town Attorney
137. NYS Office of the State Comptroller to Justice Court Fund Business Partner -  
Notification of the moving of the Office of the State Comptroller to a new location. DISPOSITION = Received and Filed
138. Kenneth and Anna Polanski to Town Board -  
Comments regarding Comprehensive Master Plan. DISPOSITION = Received and Filed

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY THE ENTIRE TOWN BOARD, on roll call, which resulted as follows:

COUNCIL MEMBER MONT'OUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:18 P.M.

Signed   
Johanna M. Coleman, Town Clerk